

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,

Plaintiff,

vs.

TYSON FOODS, INC., et al.,

Defendants.

CASE NO. 05-CV-329-GKF-SAJ

**GEORGE'S, INC., AND GEORGE'S FARMS, INC.'S RESPONSES TO
STATE OF OKLAHOMA'S SEPTEMBER 13, 2007 SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION**

Comes now the separate Defendants, George's, Inc., and George's Farms, Inc., (hereinafter referred to as "George's"), and for its Responses to Plaintiffs' September 13, 2007, Set of Interrogatories and Requests for Production, pursuant to Federal Rules of Civil Procedure 26, 33 and 34, states as follows, to-wit.

Responses to Interrogatories

Interrogatory No. 1: Do you contend that since 1980 no poultry waste (including any constituents thereof) that was generated at your own poultry growing / feeding operations and/or poultry growing / feeding operations under contract with you and that was applied to land within the Illinois River Watershed has run-off / been released / been discharged, directly or indirectly, to the Waters of the State in the Illinois River Watershed? If you do not so contend, please describe with specificity (a) the constituents that have run-off/ been released / been discharged, (b) when and how you first became aware that such constituents were running off / being released / being discharged, (c) the parcels of land from which such run-off / releases / discharges have occurred, (d) any efforts by you to quantify the amount of the constituents



that have run-off/ been released / have been discharged and the results of those efforts, (e) any efforts to characterize and/or quantify the environmental and/or human health effects of such run-off / releases / discharges on the Illinois River Watershed and the results of such efforts, and (f) the soil test phosphorus of the land upon which the poultry waste was applied at the time the poultry waste was applied.

Response: George's contends that it has complied with the laws of the States of Arkansas and Oklahoma and its nutrient management plans with respect to its owned or leased poultry operations in land applying poultry litter, and further contends that the contract growers were also required to do so with respect to their poultry operations. George's is not aware of any specific constituents of poultry litter that have ever run off of any particular parcel, and has not therefore quantified such, but denies that there is any information showing environmental or human health effects of poultry litter or its constituents, and relies on the appropriate regulatory and scientific authorities for its practices in this regard. To the extent any documentation has been made of specific instances involving poultry litter and potential for release, it would be in field service notes or flock service reports already produced to plaintiffs in George's Initial Disclosures and previous document productions. Examples of these documents may be found at Bates Nos. GE 12949, 13159 – 13192, 14736 – 14784, 15493 – 15550, 16007 – 16066, 16070 – 16071, 17739 – 17816, 17847 – 18017, and 18020 – 19676. Additional flock service reports are being reviewed and processed for production and will be made available in George's next document production if relevant and discoverable.

Interrogatory No. 2: Do you contend that the run-off/ release / discharge of poultry waste (including any constituents thereof) that has been applied to land within the Illinois River Watershed had no adverse effect on the Waters of the State in the Illinois River Watershed or persons coming in contact or drinking such Waters? If you do not so contend, please (a) describe the adverse effect(s), (b) the degree of the adverse effect(s), (c) state when you first became aware of the adverse effect(s), and (d) state what you have done to address the adverse effect(s).

Response: George's is not aware of any specific constituents of poultry litter that have run off. George's denies that there is any information showing adverse effects of poultry litter or its constituents on the Waters of the State in the Illinois River Watershed or persons coming in contact or drinking such Water, and relies on the appropriate regulatory and scientific authorities for its practices in this regard.

Interrogatory No. 3: For each year since 1980 please state (a) the average weight per bird (in lbs.) of your birds raised / fed in the Illinois River Watershed, and the basis of your knowledge of this information, (b) the average weight of the excrement per bird (in lbs.) of your birds raised / fed in the Illinois River Watershed, and the basis of your knowledge of this information, (c) how many birds you raised /fed in the Illinois River Watershed, and the basis of your knowledge of this information, (d) the total weight of feed (in lbs. or tons) supplied to feed your birds raised / fed in the Illinois River Watershed, and the basis of your knowledge of this information, and (e) the total weight of the ingredients in that feed that were grown, mined or otherwise produced within the Illinois River Watershed, and the basis of your knowledge of this information. If your response to any of the above is that you do not know, please state why you have never undertaken to determine this information.

Response: George's does not keep or track information on the weight of excrement per bird. George's does generate weekly reports for each grower settling each week which contains information on the number of birds, the weight of the birds, and the amount of feed provided to the birds during each flock's growout cycle. However, this information is not kept on a watershed basis. George's has provided this information, which only goes back to 1996, to the plaintiffs in various formats including its Production Cost Analysis reports - Settled Broilers, Flock Settlement Recaps, Arkansas Broilers Contract Settlement reports, Arkansas Breeders Production Summaries, and Breeder Pullet Summaries. The Production Cost Analysis - Settled Broilers reports include information on the number of birds placed, the number of birds sold at the end of the flock, the pounds sold, and the amount of feed used during growout. Examples of Production Analysis Cost - Settled Broilers may be found at Bates Nos. GE 15357 - 15359, 16347 - 16349, 19677 - 19901, 20382 - 20525, 21021 - 21101, 21352 - 21437, 22299 - 22361, 22503 - 28104, 28873 - 29609, 31136 - 32377. Flock Settlement Recaps include information on head started, head picked up, pounds produced, average weight, and feed used during the life of a flock. Examples of Flock Settlement Recaps may be found at Bates Nos. GE 13341 - 13391, 13805 - 13834, 14029 - 14070, 14522 - 14563, 15002 - 15007, 15195 - 15248, 16206 - 16260, 17016 - 17056, 21242 - 21143, and 28542 - 28543. Arkansas Broilers Contract Settlement reports include information on age at pick up, average weight, weight gain per day, number of head started, number of head sold, pounds picked up, pounds sold, pounds of feed used, and mortality. Examples of Arkansas Broilers Contract Settlement reports may be found at Bates Nos. GE 13690 - 13714, 13835 - 13852, 14011 - 14021, 14146 - 14160, 14225 - 14240, 14397 - 14414, 15008 - 15022, 15915 - 15928, 16145 - 16162, and 17678 -

17704. Arkansas Breeders Productions Summaries include information on the number of birds housed, mortality, egg production, eggs marketed, and laying percentage. Examples of Arkansas Breeders Production Summaries may be found at Bates Nos. GE 11877, 11976, 12006 – 12007, 12309, 12480, 12698, 32378 – 32381, 32898 – 32952, 33147 – 33171, and 38121 – 38172. Breeder Pullet Summaries include information on mortality, weekly feed consumption, and cumulative feed consumption. Examples of Breeder Pullet Summaries may be found at Bates Nos. GE 11587 – 11590, 32471 – 32515, 32752 – 32766, 32836 – 323897, 33095 – 33111, 33172 – 33175, 33365 – 33368, and 33498 – 33511. All of these pages have previously been produced and identified as confidential. Additional summaries and reports of this nature are currently being reviewed and processed for production and will be made available in George's next document production to the extent they are relevant and discoverable.

Interrogatory No. 4: Please list the chemicals / chemical compounds, as well as types of any pathogens, that are typically found in excrement from your birds raised / fed in the Illinois River Watershed, and the ratio by weight of these chemicals / chemical compounds to one another. If your response is that you do not know, please state why you have never undertaken to determine this information.

Response: George's is aware through general knowledge of raising poultry and through having conducted intermittent litter tests/analyses for various reasons at times that phosphates, potassium, nitrates and arsenicals are contained in poultry litter, although it denies that such materials are present at levels which would either violate applicable laws or give rise to the causes of action or any of the damages alleged in this lawsuit. George's is also aware that it vaccinates poultry for various viruses and provides feed which contains

certain minerals and vitamins. George's has previously produced soil and litter sample results as part of nutrient management plans it has produced in this matter. Soil and litter sample information may also be found at Bates Nos. GE 34256 – 34556. Additional soil and litter sample results and information will be provided in the next production made by George's which will include information responsive to these requests and any necessary supplementation to prior responses, to the extent such material is relevant and discoverable. George's has provided information on its vaccination schedule and feed formulas at Bates No. GE 34082, 34777 – 35008, 35127 – 35138, and 36091 – 36458 and GE[07/2/07] 0001 – 0002, 0520 – 0521 and GE[08/24/07] 0148, 0170 – 0171, 0220 – 0221, 0429 – 0431, 0433 – 0435, 0516, 0533 – 0539, and 0495 - 0506. Vaccination information may also be found in the flock service reports as well as the settlement reports and recaps previously produced. George's has not performed any analysis of the ratios of these various items to one another.

Interrogatory No. 5: For each year since 1980 please state whether poultry waste generated at your own poultry growing / feeding operations and/or poultry growing / feeding operations under contract with you in the Illinois River Watershed has been transported out of the Illinois River Watershed, and, if so, the identity of each operation that generated the poultry waste, the amounts of poultry waste that were transported out, when the poultry waste was transported out, where the poultry waste was transported to, who transported the poultry waste out, who paid for the transport out, and how much the transport cost.

Response: The poultry operations located in Oklahoma must file documentation about the fate of their poultry litter with the Oklahoma Department of Agriculture. George's does not receive or maintain copies of those filings, but they are nevertheless already in the possession of the plaintiffs. Additionally, George's has undertaken to transport poultry litter

from the Illinois River Watershed to other locations, and has provided the plaintiffs with the documentation of those activities at Bates Nos. GE 35244 – GE 35245 and GE[07/2/07] 0052 – 0053, 0085 – 0088, 0142 – 0143, 0160 – 0161, 0192 – 0195, 0198 – 0201, 0217 – 0340, 0355 – 0356, 0488 – 0489, 0504 – 0505, 0522 – 0533, and 0539 – 0543 and GE[08/24/07] 0056, 0130, 0181 – 0185, 0418 – 0421, and 0436.

Interrogatory No. 6: For poultry waste generated at your own poultry growing / feeding operations and/or poultry growing / feeding operations under contract with you in the Illinois River Watershed since 1980 that has not been transported out of the Illinois River Watershed, please state, broken down by year, how the poultry waste was disposed of (e.g., land application within the Illinois River Watershed, burning as fuel within the Illinois River Watershed, etc.) and the amount disposed of in each particular manner.

Response: The poultry operations located in Oklahoma must file documentation about the fate of their poultry litter with the Oklahoma Department of Agriculture. Moreover, operations located in Arkansas recently began to have to register in Arkansas for tracking of the fate of poultry litter from those operations. George's does not receive or maintain copies of the filings or records for operations in either State as it relates to contract growers, but they are nevertheless already in the possession of the plaintiffs for those operations in Oklahoma. Additionally, George's has provided any records for farms it owns or leases and similar records for contract growers' farms that it has in its possession. Examples of these records may be found at Bates Nos. GE 34256 – 34556, 36753 – 36762, 36803 – 36832, 38460 – 38465, 39465 – 39482, 40377 – 40393, 40725 – 40752, and 41480 – 41492. George's has also undertaken to transport poultry litter from the Illinois River Watershed to

other locations, and has provided the plaintiffs with the documentation of those activities (See Response to Interrogatory No. 5).

Interrogatory No. 7: For each year since 1980, please state (a) the amount (in lbs., tons, or other standard of measure) of and (b) the percentage of the poultry waste generated by your poultry growing / feeding operations and poultry growing / feeding operations under contract with you that has been applied to land within the Illinois River Watershed as what you contend is a fertilizer, and identify the information upon which you have relied in making your answer.

Response: George's objects to this Interrogatory as vague and unintelligible. Without waiving the said objection, George's states that the poultry operations located in Oklahoma must file documentation about the fate of their poultry litter with the Oklahoma Department of Agriculture. Moreover, operations located in Arkansas recently began to have to register in Arkansas for tracking of the fate of poultry litter from those operations. George's does not receive or maintain copies of the filings or records for operations in either State as it relates to contract growers, but they are nevertheless already in the possession of the plaintiffs for those operations in Oklahoma. Additionally, George's has provided any records for farms it owns or leases. George's has also undertaken to transport poultry litter from the Illinois River Watershed to other locations, and has provided the plaintiffs with the documentation of those activities (See Response to Interrogatory No. 5).

Interrogatory No. 8: Please identify each and every seminar, conference, workshop, symposium, meeting and/or task force since 1980 attended by or participated in by you or your employees that addressed (a) the land application of poultry waste (including any constituents thereof), (b) the run-off / release / discharge of poultry waste (including any

constituents thereof) from land on which it has been applied to the environment, and/or (c) the environmental and/or human health effects or dangers of the run-off / release / discharge of poultry waste (including any constituents thereof) from land on which it has been applied to the environment. A complete answer will include (i) the name, date and location of the seminar, conference, workshop, symposium, meeting and/or task force, (ii) the sponsor(s) or organizer(s) of the seminar, conference, workshop, symposium, meeting and/or task force, (iii) a detailed description of the topics covered by the seminar, conference, workshop, symposium, meeting and/or task force, (iv) the names of the presenters at the seminar, conference, workshop, symposium, meeting and/or task force, and (v) the name(s) of any attendees / participants from your company who attended or participated in the seminar, conference, workshop, symposium, meeting and/or task force.

Response: Within George's current knowledge base, approximately 4 years ago George's employees Jerry Bowman and Benny McClure attended a workshop in Joplin, Missouri sponsored by the MSSC wherein litter was one topic covered; around the same time frame the same employees attended a similar conference in Mt Vernon, Missouri at which CAFO's and permitting of litter was discussed; approximately 4-5 years ago the same employees attended 2 conferences, one in Pryor, Oklahoma and one in Jay, Oklahoma, sponsored by Oklahoma State University and its extension service wherein litter was discussed; approximately 3-4 years ago Benny McClure attended a discussion or seminar about litter sponsored by Winrock/Jim Wimberly in Fayetteville, Arkansas; around the same time frame Benny McClure attended meetings hosted by Arkansas Soil and Water Commission (now ANRC) at the Clarion Hotel in Fayetteville and also attended by Miles Tolbert and Kelly Burch wherein litter was discussed; about one year ago, Benny McClure

attended a meeting at the University of Arkansas wherein professors from the UA discussed the phosphorus index; George's employees Benny McClure, Kendall Pendergraft and Stacy Harrison, along with some servicemen, also attended a meeting at the University of Arkansas in the 1990's where soil sampling was discussed. Additionally, several servicemen for George's have attended a meeting hosted by the Arkansas Soil and Water Commission on eutrophication. The meeting was in Bentonville, Arkansas on an unknown date. Benny McClure has also attended a class where he was taught how to take samples. This class was also in Bentonville at an unknown date and the sponsor cannot be recollected at this time. Finally, George's employee Stacy Harrison attends courses in Oklahoma at various locations hosted by ODAFF to keep up his educational requirements, and these meetings discuss litter. This is as complete a list as George's is able to provide at this time, but George's does not represent this list to be exhaustive as to every seminar at any time that any employee of George's may have attended which covered any topics implicated by this lawsuit. The specific location, meeting title, presenters, date/time, and agendas is not available. To the extent any information is available, it has been provided in this response and to the extent any materials reviewed from these or any other similar sources are available that have been produced. Additional seminar or conference materials are currently being reviewed for relevance and privilege purposes and to the extent that such materials are relevant and discoverable, will be produced in a supplemental production.

Interrogatory No. 9: Please state whether you are or ever have been a member of (a) Poultry Partners, (b) Poultry Federation, (c) United States Poultry & Egg Association, (d) National Chicken Council, (e) National Turkey Federation, (f) Southeastern Poultry & Egg Association, (g) National Broiler Council, and/or (h) Poultry Water Quality Consortium, and, if

so, your years of membership and the names of your employees who represented you in the organization.

Response: (a) No, (b) Yes, as of summer, 2007 George's has joined the Poultry Federation. Prior to that, George's was not a member since joining in the 1980's and leaving in the early 1990's, (c) Yes, since the early 2000's when the name changed from Southeastern Poultry & Egg. This organization puts on financial poultry accounting classes, classes on broiler production, on breeder and hatchery production, on human resources, on information technology, etc. Numerous employees of George's have attended these on behalf of George's. Of any interest or relevance to this case would likely be the poultry production meetings, attended by Benny McClure and/or Ricky Pinkerton of George's. Monty Henderson was on the board of this organization at some point in time as well, probably within the last 7 or 8 years. (d) Yes, since 1975. Gary George and Monty Henderson are each on the board of NCC, and one or the other attend some of the 3 annual board meetings representing George's. (e) No, (f) Yes, since at least the 1980's and up until the name changed to US Poultry & Egg in the early 2000's. This organization puts on financial poultry accounting classes, classes on broiler production, on breeder and hatchery production, on human resources, on information technology, etc. Numerous employees of George's have attended these on behalf of George's. Of any interest or relevance to this case would likely be the poultry production meetings, attended by Benny McClure and/or Ricky Pinkerton of George's. Gary George was on the board of this organization at some point in the 1980's as well. (g) No, (h) No.

Interrogatory No. 10: Do you presently have or have you had since 1980 any direct or indirect ownership interest in any entity that raises / feeds poultry or owns poultry in the Illinois River Watershed? If so, for each such entity please describe the interest in detail, including but not limited to the name of the entity, the nature of the interest in the entity, any other owners of the entity, the management structure and composition of the entity, the date when the interest in the entity began and (if applicable) when the interest terminated, if the interest terminated the reasons it terminated and what became of the interest, and the number of birds raised annually in the Illinois River Watershed by the entity.

Response: Objection. The term "indirect ownership interest" is vague, unclear and seeks information that is not relevant or discoverable. Moreover, to the extent the interrogatory seeks financial information, such information is confidential, proprietary and not subject to discovery. Subject to the said objections, the answer is yes. George's, Inc. owns Morrison Farm, which the plaintiffs are already aware of and have sampled. George's has also provided documentation concerning its operation of Morrison Farm in its possession to the extent of any relevance to this case. Examples of this documentation may be found at Bates Nos. GE 15635 – 15644, 15647 – 15845, 18925 – 19020, 22174 – 22238, 23025 – 23080, 23743 – 23802, 26548 – 26607, and 31770 – 31829. George's Farms, Inc. and George's, Inc each owned assets of a commercial egg operation from 1985-2007. This commercial egg operation was sold in May, 2007 to Benton County Foods, LLC. George's has provided documentation concerning its operation of the commercial egg operations in its possession to the extent of any relevance. Examples of this documentation may be found at Bates Nos. GE 34129 – 34143, 34150 – 34168, 34181 – 34221, 34228 – 34232, 34246 – 34252, and 34256 – 34550. George's has also provided the plaintiffs with information on its

corporate structure and management in its Rule 30(b)(6) deposition. Additional information on Morrison Farm and the commercial egg operation is currently being reviewed and processed for production and will be made available in George's next document production if relevant and discoverable. In its next production George's is also providing information concerning its sale of the commercial egg operations to the extent that such information is relevant and not privileged, including any environmental site assessments that may have occurred.

Interrogatory No. 11: Please describe in detail any involvement or role, direct or indirect, you had in the funding, research, writing, revision, publication or distribution (including the distribution to poultry growers under contract with you) of each and every edition / version of the "Poultry Water Quality Handbook," and state whether the "Poultry Water Quality Handbook" exists or ever existed in your files, or is or was ever in your possession.

Response: George's had no role, direct or indirect. George's believes that Benny McClure may have had a copy of it around 10 years ago which he briefly reviewed but did not keep. George's does not have a copy of it in its files currently.

Interrogatory No. 12: Please identify (name, position, phone number, and last known address) all employees, past and present, with knowledge of (a) your policies, past or present, concerning the handling, storage, use, management, disposal and/or land application of poultry waste, (b) the propensity of poultry waste that has been land applied to run-off, and (c) any environmental or human health effects of poultry waste run-off.

Response: (a) Current: Benny McClure, Kendall Pendergraft, and Stacy Harrison, through counsel at Bassett Law Firm, 221 N. College Ave., Fayetteville, AR 72701 479-

521-9996. Past: Gary Harrel, Fred Edwards, addresses unknown. (b) George's is not aware of any such information; (c) George's is not aware of any such information.

Interrogatory No. 13: Please state when you first communicated with your contract growers in the Illinois River Watershed about (a) best management practices, (b) waste management plans, (c) nutrient management plans, and/or (d) any concerns about the adverse environmental impact of the run-off / release / discharge of poultry waste that has been land-applied, and (e) the content of each of those communications.

Response: (a) Around 1990, via Addendum D to the contract (see Bates Nos. GE 37719, 38356, 38685, 38662, 38790, 38802, 38814, and 38821); (b) Around 1993 when Addendum D was amended to include requirement to apply for a nutrient management plan; (c) Around 1993 when Addendum D was amended to include requirement to apply for a nutrient management plan; (d) In the late 1990's Fred Edwards sent correspondence to the growers concerning the fact that some people were concerned about environmental impacts of poultry litter (see Bates Nos. GE 000073, 39365, 39829, 39946, 40113, 40160, 40299, and 40418); this letter was discussed in the Rule 30(b)(6) deposition for George's; and (e) See items (a)-(d).

Interrogatory No. 14: Please identify each and every environmental study or investigation concerned with the environmental impact of the handling and/or disposition of poultry waste on water quality which you have been involved with or participated in, including but not limited to allowing or facilitating access to your operations, farms or property and/or the operations, farms or property of your contract growers, providing statistical or other kinds of information, answering questions, participating in surveys or granting interviews and/or allowing or facilitating your contract growers answering questions,

participating in surveys or granting interviews, and discussing and/or reviewing the conclusions or results of such studies or investigations.

Response: George's has donated litter to Humalfa for a composting study by that company (donated 5000 tons and freight); George's has donated for litter baling and composting studies performed by the University of Arkansas and Professor H.L. Goodwin; George's donated litter and funding to the so-called Stamper project in Oklahoma. George's has also conducted two meetings with growers, one in August of 2005 and one in September of 2006, where Sherri Herron of BMP's, Inc and a representative of the USDA-NRCS was available to answer questions about litter, litter hauling, phosphorus index, etc and to sign up with BMP's for litter hauling. To the extent any documentation of any of these items exists, they can be found at Bates Nos. GE 35896 – 35903, 36054, GE[07/2/07] 00009 – 00033, 00140, 00191, 00347, 00448 – 00450. George's requested and has obtained copies of the Power Point presentations used by Sherri Herron and the USDA-NRCS representative during the September 2006 meeting and will produce those items in its next production of documents to the extent such materials contain relevant and discoverable information.

Responses to Requests for Production

Request for Production No. 1: To the extent you have not already produced them, please produce copies of all documents you relied upon in responding to each of the above interrogatories.

Response: The majority of responsive documents relied upon have already been produced. The Production Cost Analysis – Settled Broilers and similar documents discussed herein are due for a supplementation. A number of other documents referenced in the

Responses to the Interrogatories are being reviewed for privilege and to the extent they are discoverable, will be produced in a later supplemental production.

Request for Production No. 2: To the extent you have not already produced them, please produce copies of all materials you or your employees received at the seminars, conferences, workshops, symposia, meetings and task forces identified in response to Interrogatory No. 8.

Response: Responsive documents have already been produced and there are additional responsive documents currently being reviewed and processed for production to the extent they are relevant and discoverable.

Request for Production No. 3: To the extent you have not already produced them, please produce copies of all reports or analyses received from Agri Stats, Inc. (or any of its affiliates) that relate, directly or indirectly and in whole or in part, to your, any of your contract growers', any other defendants', or any other defendants' contract growers' poultry operations or facilities that are located in whole or in part in the Illinois River Watershed, including but not limited to any annual, monthly and special reports.

Response: Objection. The information received from Agri Stats is primarily financial in nature, and Agri Stats' analysis is financial in nature. This information is proprietary, privileged and is also confidential business/financial information not subject to disclosure. Moreover, the information is not organized by watershed, and so disclosure of the information would provide grower information for growers not located in the IRW, making most if not all of the information sought neither relevant nor discoverable.

Request for Production No. 4: To the extent you have not already produced them, please produce copies of all documents, reports, data and/or summaries that you have

provided to Agri Stats, Inc. (or any of its affiliates) that relate, directly or indirectly and in whole or in part, to your, any of your contract growers', any other defendants', or any other defendants' contract growers' poultry operations or facilities that are located in whole or in part in the Illinois River Watershed.

Response: Objection. The information provided to Agri Stats is primarily financial in nature, and Agri Stats analysis is financial in nature. This information is proprietary, privileged and is also confidential business/financial information not subject to disclosure. Moreover, the information is not organized by watershed, and so disclosure of the information would provide grower information for growers not located in the IRW, making most, if not all, of the information sought neither relevant nor discoverable. Without waiving the objections, George's has provided the same type of data, to the extent nonfinancial information is being requested, for growers in the IRW in its Production Cost Analysis reports - Settled Broilers, Flock Settlement Recaps, Arkansas Broilers Contract Settlement reports, Arkansas Breeders Production Summaries, and Breeder Pullet Summaries.

Request for Production No. 5: To the extent you have not already produced them, please produce copies of all documents, reports, data and/or summaries, including source materials and supporting data, that you have provided to the U.S.D.A. that relate, directly or indirectly and in whole or in part, to your, any of your contract growers', any other defendants', or any other defendants' contract growers' poultry operations or facilities that are located in whole or in part in the Illinois River Watershed.

Response: Objection. The annual report that George's submits to the USDA includes a financial statement that is not subject to FOIA for that reason. This information is

proprietary, privileged and is also confidential business/financial information not subject to disclosure. Moreover, the information is not organized by watershed, and so disclosure of the information would provide grower information for growers not located in the IRW, making most, if not all, of the information neither relevant nor discoverable. Without waiving the objections, George's has provided the same type of data, to the extent nonfinancial information is being requested, for growers in the IRW in its Production Cost Analysis reports - Settled Broilers, Flock Settlement Recaps, Arkansas Broilers Contract Settlement reports, Arkansas Breeders Production Summaries, and Breeder Pullet Summaries.

Request for Production No. 6: To the extent you have not already produced them, please produce copies of all drafts /versions / editions of the "Poultry Water Quality Handbook" in your possession, as well as all documents referring or relating to the "Poultry Water Quality Handbook" or the creation of the "Poultry Water Quality Handbook."

Response: To George's knowledge, it does not possess any such information.

Request for Production No. 7: To the extent you have not already produced them, please produce copies of all documents referring or relating to the Poultry Water Quality Consortium.

Response: To George's knowledge, it does not possess any such information.

Request for Production No. 8: To the extent you have not already produced them, please produce any lists or catalogues of published treatises, periodicals, pamphlets, books and articles (including title, author, publisher, and date of publication) in your possession, custody or control that address (a) the land application of poultry waste (or any constituents thereof), (b) the run-off / release / discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment, and/or (c) the environmental and/or human

health effects or dangers of the run-off / release / discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment.

Response: To George's knowledge, it does not possess any such information.

Request for Production No. 9: To the extent you have not already produced them, please produce copies of all reports, disclosures, impact statements, assessments or similar materials pertaining to (a) the land application of poultry waste (or any constituents thereof), (b) the run-off / release / discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment, and/or (c) the environmental and/or human health effects or dangers of the run-off / release / discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment that you received from, turned over to, or exchanged with any buyer or seller of a poultry growing / feeding operation or received, turned over, exchanged or generated in connection with the sale or purchase of any poultry growing / feeding operation.

Response: The only information for the IRW which George's has which would remotely fit within the described category of documents is a Phase II environmental assessment performed at Benton County Foods' request for the commercial egg operations prior to the sale of those operations by George's to Benton County Foods in May, 2007. A copy of the documents related to that transaction are being reviewed for privilege and processed for production and to the extent they are relevant and discoverable, they will be made available in George's next document production.

Request for Production No. 10: To the extent you have not already produced them, please produce copies of any documents reflecting any direct or indirect ownership interest that you have or have had in the past 25 years in any entity that raises / feeds poultry or owns

poultry in the Illinois River Watershed, as well as copies of documents relating to the nature of the interest in any such entities, any other owners of any such entities, the management structure and composition of any such entities, the date when the interest in any such entities began and (if applicable) when such interests terminated, if such interests terminated the reasons they terminated and what became of the interests, and the number of birds raised / fed annually in the IRW by any such entities.

Response: Objection. The term “indirect ownership interest” is vague, unclear and seeks information that is not relevant or discoverable. Moreover, to the extent the request seeks financial information, such information is confidential, proprietary and not subject to discovery. Without waiving said objections, and subject to the ongoing duty to supplement, such documents were produced for Morrison Farm and the commercial egg operations, to the extent such information exists and as far back as George’s has it in its possession. For Morrison Farm, examples of these documents can be found at Bates Nos. GE 15635 – 15644, 15647 – 15845, 18925 – 19020, 22174 – 22238, 23025 – 23080, 23743 – 23802, 26548 – 26607, and 31770 – 31829. For the commercial egg operations, examples of these documents can be found at GE 34129 – 34143, 34150 – 34168, 34181 – 34221, 34228 – 34232, 34246 – 34252, and 34256 – 34550. Finally, George’s has provided information about the length of time it owned these operations and also about the management and corporate structure for the entities which own or owned Morrison Farm and the commercial egg operations in its Rule 30 (b)(6) deposition testimony.

Request for Production No. 11: To the extent you have not already produced them, please produce copies of documents reflecting your financial statements for fiscal years 2002 to the present, as well as any other documents reflecting your net worth for fiscal years 2002 to

the present. For purposes of this request for production, the term "financial statement" includes, but is not necessarily limited to, balance sheets, statements of income, statements of equity position, statements of cash flow, and all footnotes.

Response: Objection. George's is a privately held company and its financial statements are treated as confidential. This information is proprietary, privileged and is also confidential business/financial information not subject to disclosure. Moreover, the information is not organized by watershed, and so disclosure of the information would provide financial information for operations not located in the IRW and therefore not relevant or discoverable.

Request for Production No. 12: To the extent you have not already produced them, please produce copies of all documents referring or relating to poultry waste generated at your own poultry growing / feeding operations and/or poultry growing / feeding operations under contract with you in the Illinois River Watershed that has been transported out of the Illinois River Watershed (including but not limited to documents referring or relating to the identity of each operation that generated the poultry waste, the amounts of poultry waste that were transported out, where the poultry waste was transported to, who transported the poultry waste out, and who paid for the transport out).

Response: The majority of this information has previously been produced and examples of the same have been provided in Response to Interrogatory No. 5. Additional material has been identified as part of George's inquiry into information responsive to these discovery and/or as part of its duty to supplement. Those materials are being reviewed and processed and any relevant, non-privileged documents will be produced.

Request for Production No. 13: To the extent you have not already produced them, please produce copies of all documents listed on your Rule 26(a) disclosure in this case.

Response: This information has previously been produced at Bates Nos. GE 1 – 10941.

Request for Production No. 14: To the extent you have not already produced them, please produce copies of all documents referring or relating to the Animal and Poultry Waste Management Center at North Carolina State University.

Response: To George's knowledge, it does not possess any such information.

Request for Production No. 15: To the extent you have not already produced them, please produce copies of all documents referring or relating to any surveys / audits / reports of poultry growing / feeding operations owned by you or under contract with you in the Illinois River Watershed that concern or collected information about (a) the amount of poultry waste generated at such operations and/or (b) the disposition of poultry waste generated at such operations.

Response: George's has collected a survey of growers who would be willing to supply some litter for a Fibrowatt electrical power plant in the event such a plant decides to and can locate in Northwest Arkansas. This information was collected at Fibrowatt's request in early 2007, and the information was mailed to Fibrowatt. George's has also conducted two meetings with growers, one in August of 2005 and one in September of 2006, where Sherri Herron of BMP's, Inc and a representative of the USDA-NRCS was available to answer questions about litter, litter hauling, phosphorus index, etc and to sign up with BMP's for litter hauling. To the extent any documentation of any of these items exists and is in George's possession or control, it can be found at Bates Nos. GE 35896 – 35903, 36054,

GE[07/2/07] 00009 – 00033, 00140, 00191, 00347, 00448 – 00450. George's requested and has obtained copies of the Power Point presentations used by Sherri Herron and the USDA-NRCS representative during the September 2006 meeting and will produce those items in its next production of documents to the extent they are relevant and discoverable.

Request for Production No. 16: To the extent you have not already produced them, please produce copies of all correspondence between you and your contract poultry growers in the Illinois River Watershed that concern (a) how many poultry houses the poultry growing / feeding operation has / had in operation, (b) how much poultry waste is / was being produced annually (or for a particular time period) per house or per growing / feeding operation, (c) the disposition of the poultry waste generated at the poultry growing / feeding operation, (d) the costs associated with handling / disposing of poultry waste generated at the poultry growing / feeding operation, and/or (e) any preferences of the poultry grower regarding the disposition of the poultry waste generated at the poultry growing / feeding operation.

Response: See Response to Request for Production No. 15. George's does not to its knowledge maintain any information on the amount of poultry litter generated in the IRW or elsewhere, nor does it track the disposition of poultry litter owned by contract growers.

Request for Production No. 17: To the extent you have not already produced them, please produce copies of all documents reflecting or referring to your earliest, as well as all subsequent, communications with your contract growers in the Illinois River Watershed about (a) best management practices, (b) waste management plans, (c) nutrient management plans, and (d) any concerns about the adverse environmental impact of the run-off / release / discharge of poultry waste that has been land-applied.

Response: See Bates Nos. GE 000073, 37719, 38356, 38685, 38662, 38790, 38802, 38814, 38821, 39365, 39829, 39946, 40113, 40160, 40299, and 40418 and GE-HB 0001 – GE-HB 0435.

Request for Production No. 18: To the extent you have not already produced them, please produce copies of your earliest communications with employees at your company-owned and company-managed poultry growing / feeding operations in the Illinois River Watershed about (a) best management practices, (b) waste management plans, (c) nutrient management plans, and (d) any concerns about the adverse environmental impact of the run-off / release / discharge of poultry waste that has been land-applied.

Response: Stacy Harrison would have been the person who provided such communications, under the direction of Benny McClure. Such communications would have been made verbally. Prior to Benny McClure and Stacy Harrison's employment, Gary Harral would have made such communications, under the direction of Fred Edwards, also verbally.

Request for Production No. 19: To the extent you have not already produced them, please produce copies of all documents referring or relating to NCC / US Poultry CAFO Questionnaire, including but not limited to copies of the Questionnaire itself, all completed Questionnaires, all responses to the Questionnaire by you or your contract growers located in the Illinois River Watershed and all reports, analyses or compilations of such Questionnaire responses.

Response: To George's knowledge, it does not possess any documents responsive to this Request.

Request for Production No. 20: To the extent you have not already produced them, please produce copies of all documents referring to or relating to any progress reports to the

Arkansas Department of Pollution Control and Ecology and Arkansas Soil and Water Conservation Commission for assessment of the progress and success of the Best Management Practices Program. By way of example, but without limitation, this request includes but is not limited to progress reports resulting from the "Environmental Agreement" one or more of the Tyson Defendants entered into in or about 1992 with contract growers in the Illinois River Watershed.

Response: George's does not make such reports to either of the referenced entities on any of the referenced subject matters, nor is George's aware of the referenced Environmental Agreement between Tyson and any of Tyson's growers in 1992. All farms in Arkansas, including those owned by George's, must be registered with the Arkansas Department of Natural Resources.

Request for Production No. 21: To the extent you have not already produced them, please produce copies of all documents referring or relating to any mapping, imaging or depiction of land application of poultry waste, of phosphorus levels, of nitrogen levels and/or of nutrient levels in the Illinois River Watershed, including but not limited to any thermal imaging, aerial photography, satellite imagery, electromagnetic conductivity, or other mapping or imaging technologies.

Response: Objection. George's objects to this Request to the extent it seeks any such information that its attorneys or consultants may have collected since the inception of the lawsuit. Subject to the objection, other than maps and images contained in nutrient management plans, etc. or environmental assessments that have previously been produced and/or that are being processed for production, George's has no such information.

Request for Production No. 22: To the extent you have not already produced them, please produce copies of all documents referring or relating to Morrison Farm and its operations, including but not limited to all documents that concern poultry production, soil testing, poultry waste handling, poultry waste storage, poultry waste land application, poultry waste hauling, best management plans relating to the spreading or disposal of poultry waste / litter, farm management plans, nutrient management plans, the run-off / release / discharge of poultry waste, as well as all documents that reflect the identity of persons employed, past and present, at Morrison Farm.

Response: Subject to its ongoing duty to supplement, George's has produced the farming operations information for Morrison Farm. Examples of that information can be found at Bates Nos. GE 15635 – 15644, 15647 – 15845, 18925 – 19020, 22174 – 22238, 23025 – 23080, 23743 – 23802, 26548 – 26607, and 31770 – 31829. George's only has bonus/financial pay information to identify the various employees who have ever worked on Morrison Farm, which information is proprietary and is confidential business/financial information of the employee and the company. George's therefore objects to producing such information because it is privileged and not discoverable.

Request for Production No. 23: To the extent you have not already produced them, please produce copies of all documents referring or relating to the farms managed by you in the Illinois River Watershed and their operations, including but not limited to all documents that concern poultry production / feeding, soil testing, poultry waste handling, poultry waste storage, poultry waste land application, poultry waste hauling, best management plans relating to the spreading or disposal of poultry waste / litter, farm management plans, nutrient management plans, the run-off / release 1 discharge of poultry waste, as well as all

documents that reflect the identity of persons employed, past and present, at the farms in the Illinois River Watershed managed by you.

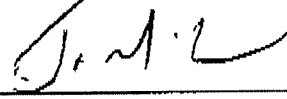
Response: George's has produced the farming operations information for farms it manages in the IRW. Examples of that information can be found at Bates Nos. GE 10893 – 11270, 11453 – 11838, 12950 – 13152, 13413 – 13752, 13757 – 13870, 13872 – 14005, 17197 – 17482, 21717 – 21762, 21803 – 21866, 21867 – 21894, 21895 – 21929, 22526 – 22601, 32752 – 32766, and 33498 – 33511. George's only has bonus/financial pay information to identify the various employees who have ever worked on any of those farms, which information is proprietary and is confidential business/financial information of the employee and the company. George's therefore objects to producing such information because it is privileged and not discoverable.

Request for Production No. 24: To the extent you have not already produced them, please produce copies of all documents created or produced regarding your sale of real and/or personal property interests in commercial egg or poultry growing / feeding / production facilities within the Illinois River Watershed to Cal-Maine Foods, Inc., Cal-Maine Farms, Inc. and/or Benton County Foods, LLC, including but not limited to documents referring or relating to due diligence reviews or examinations, environmental reviews, surveys or inspections, soil tests, poultry barn capacity, egg / poultry production figures, poultry waste production figures, poultry waste disposal methods and practices, and contracts or agreements with and identities of third party vendors used for poultry waste disposal.

Response: George's objects to producing any communications between counsel and client and among counsel based on the work product and attorney-client privileges, and also objects to producing any information which reflects financial information of George's,

or customers or vendors of George's, and the like because all such information is not relevant to the issues in the case, is confidential and proprietary and is otherwise privileged and not discoverable. Subject to the objections, George's will produce any non-privileged records concerning the sale of its commercial egg operations in May, 2007 to the extent they are relevant and discoverable.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that on the 14th day of November, 2007, I electronically transmitted the attached document to the following ECF registrants:

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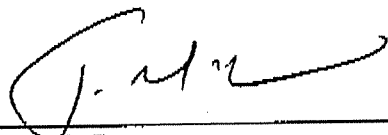
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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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